

110TH CONGRESS  
2D SESSION

# H. R. 5634

To exempt from numerical limitations any alien who has received a Ph.D. from an institution of higher education within the 3-year period preceding such alien's petition for special immigrant status.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2008

Mr. KENNEDY (for himself and Mr. McCAUL of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To exempt from numerical limitations any alien who has received a Ph.D. from an institution of higher education within the 3-year period preceding such alien's petition for special immigrant status.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “New American  
5       Innovators Act”.

1 **SEC. 2. UNITED STATES EDUCATED IMMIGRANTS.**

2 (a) SPECIAL IMMIGRANT STATUS.—Section  
3 101(a)(27) of the Immigration and Nationality Act (8  
4 U.S.C. 1101(a)(27)) is amended—

5 (1) in subparagraph (L)(iii) by adding at the  
6 end a semicolon;

7 (2) in subparagraph (M) by striking the period  
8 and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(N) an immigrant who has received a  
11 Ph.D. from an institution of higher education  
12 (as defined in section 102 of the Higher Edu-  
13 cation Act of 1965 (20 U.S.C. 1002), but ex-  
14 cluding any institution of higher education de-  
15 scribed in section 102(a)(1)(C) of such Act)  
16 within the 3-year period preceding the date on  
17 which the immigrant filed a petition described  
18 in section 204(a)(1)(G)(iii).”.

19 (b) PETITION FOR STATUS AS A SPECIAL IMMI-  
20 GRANT.—Section 204(a)(1)(G) of the Immigration and  
21 Nationality Act (8 U.S.C. 1154(a)(1)(G)) is amended by  
22 adding at the end the following:

23 “(iii) Any alien claiming status as a  
24 special immigrant under section  
25 101(a)(27)(N) may file a petition with the

1 Secretary of Homeland Security for such  
2 status.”.

3 (c) ALIENS NOT SUBJECT TO DIRECT NUMERICAL  
4 LIMITATION.—Section 201(b)(1)(A) of the Immigration  
5 and Nationality Act (8 U.S.C. 1151(b)(1)(A)) is amended  
6 by striking “or (B)” and inserting “, (B), or (N)”.

7 (d) NUMBER AND ALLOCATION OF VISAS NOT LIM-  
8 ITED FOR CERTAIN SPECIAL IMMIGRANTS.—Section  
9 203(b)(4) of the Immigration and Nationality Act (8  
10 U.S.C. 1153(b)(4)) is amended by striking “or (B)” and  
11 inserting “, (B), or (N)”.

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